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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,457	02/19/2004	Scott A. Boyd	4164-375	7773
20575	7590	05/17/2005	EXAMINER	
MARGER JOHNSON & MCCOLLOM, P.C. 1030 SW MORRISON STREET PORTLAND, OR 97205			BROCKETTI, JULIE K	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/783,457	Applicant(s) BOYD ET AL.	
	Examiner Julie K Brockett	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>05052005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

1. Page 2, line 24, "one" should be "won".
2. Page 7 line 31, the word "the" needs to be inserted before the word "primary".

Appropriate correction is required.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Page 8 line 9 of the specification says reference number "96".

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "96" has been used to designate both balls and cards, please see pg. 8 of the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or

"New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 states "(c)...selecting one of the plurality of spaces on the bonus game; (d) lighting the columns associated with the selected spaces in sequential order in a respective one of the multiple B-I-N-G-O cards to form a completed B-I-N-G-O card..." While part (c) of the claim says that only one number is selected, part (d) refers to "the selected spaces" inferring that more than one space was selected. Furthermore, "the selected spaces" does not have proper antecedent basis. Claim (d) further states that the columns are lit till there is a completed bingo card. It is unclear how this occurs since part (c) only says that one space is lit not a plurality of spaces nor does the claim state to repeat step (c) etc. Therefore, the claim is indefinite for not accurately stating how a bingo card is filled or how multiple spaces are selected, etc.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams, U.S. Patent Publication No. 2002/0045472 A1 in view of Yoseloff, U.S. Patent No. 6,398,645. Adams discloses a method for implementing a bonus game on an electronic gaming machine. A player wager is received on the gaming machine for the base game (See Adams ¶0006). The bingo card includes five columns that are each associated with a particular B-I-N-G-O letter and a plurality of spaces with each space corresponding to a respective column on the card (See Adams Fig. 1). It is detected if the player has wagered the maximum bet wager on the base game (See Adams ¶0006, ¶0011). Responsive to the detection of the maximum bet wager. One of the plurality of spaces on the bonus game is selected (See Adams ¶0011, ¶0019). The columns associated with the selected spaces are lit in sequential order in the BINGO card to form a completed BINGO card (See Adams ¶0019, ¶0022). For example, the spaces of the selected numbers are lit in the sequential order that they are selected until a completed BINGO card

occurs. A bonus prize is awarded for the completed BINGO card (See Adams ¶0022) [claim 10]. It is inherent to the invention of Adams that a bonus script is built at the beginning of the bonus session wherein the selection and lighting of the numbers operate under control of the script (See Adams ¶0019, ¶0021-0023) [claim 14]. For example, once the bingo game is activated, a script is generated to inform the machine which numbers to select at which times. The step of awarding a bonus prize includes the step of selecting a bonus prize from a plurality of bonus prizes associated with the completed BINGO card (See Adams ¶0022) [claim 15].

Adams lacks in disclosing the bonus game having multiple B-I-N-G-O cards. Yoseloff teaches of an electronic video bingo in, which multiple cards are played at the same time (See Yoseloff Fig. 1; col. 5 lines 30-40) [claim 10]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to play multiple bingo cards in the invention of Adams. By playing multiple cards, a player has a better chance of getting BINGO and thereby winning an award, which adds further excitement to the game.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adams, in view of Yoseloff, in further view of the Price is Right Game "Pathfinder". Adams further discloses that the columns of the card are ordered in the following sequential order, B, I, N, G, O (See Adams Fig. 1) [claim 11]. Adams lacks in disclosing lighting a column associated with and responsive to the step of selecting one of the selected spaces only if the column

is associated with a B or if a prior column in the sequential order has already been lighted, otherwise not lighting the previously unlighted column. The Price is Right game "Pathfinder" teaches of a player having to light selected spaces in a sequential order starting with the first number in the price of the prize. Only after the player achieves the first number are they able to move on to achieve the second number, etc. Furthermore, if a player does not accurately select the number the selection remains unit. Therefore, players have to complete a specific sequence of lighting up numbers in order to win a prize (See "Pathfinder". It would have been obvious to one of ordinary skill in the art at the time the invention was made to have Adams require players to light the B column first, the I column second, etc. By having players achieve a specific sequence of lights in order to win a prize, it limits the chances of a player to actually win the prize thereby decreasing their probability of winning with only a few balls drawn. Consequently, in order to win the bonus prize more balls must be drawn and the chances of winning the bonus prize are decreased which is advantageous to the casino.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams, in view of Yoseloff, in view of the Price is Right Game "Pathfinder" in further view of Falciglia, U.S. Patent No. 5,935,002.

Adams and Yoseloff lack in disclosing a mystery space. Falciglia teaches of a bingo game in which a "Joker" symbol acts as a mystery space in the bingo card (See Falciglia col. 4 lines 7-10) [claim 12]. The mystery space acts like a

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wild space, which is a well-known concept throughout the art. It would have been obvious to include a mystery space like the Joker in the invention of Adams so that players have the chance to fill in an important square in the bingo matrix. It would also be obvious to one of ordinary skill in the art at the time the invention was made to award a bonus prize for more than one completed BINGO card when the mystery space is selected at the same time that the G column is lighted on more than one BINGO card. For example, in Yoseloff if a player is playing multiple cards and the concept of the mystery space, as in Falciglia, occurs, it is obvious that the mystery space would apply to all cards in Yoseloff. Therefore, if two cards are one away from a winning outcome and the mystery space occurs, it is obvious that two cards would get BINGO and therefore two prizes would be awarded instead of one. Consequently, the more opportunities the player has to win prizes the more excited they are to play the game.

Response to Arguments

Applicant's arguments with respect to claims 10-15 have been considered but are moot in view of the new ground(s) of rejection.

Citation of Relevant Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. "Dice Game" The Price is Right.

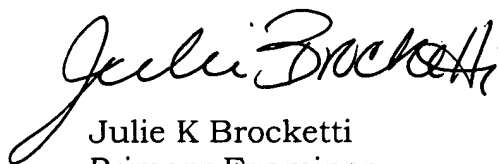
--The "Dice Game" is a game in which the numbers in the price of the prize are illuminated sequentially and the player has to guess the numbers in sequential order.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Brockett whose telephone number is 571-272-4432. The examiner can normally be reached on M-Th 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Julie K Brockett
Primary Examiner
Art Unit 3713